

REGULAR CITY COUNCIL MEETING  
JUNE 9, 1986

PRESENT

Ruth Hansen	Mayor
Craig Greathouse	Council Member
Don Dafoe	Council Member
David Church	Council Member
Neil Dutson	Council Member

ABSENT

Gayle Bunker	Council Member
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OTHERS PRESENT

Jim Allan	City Manager
Dorothy Jeffery	City Recorder
Warren Peterson	City Attorney
Richard Waddingham	Deputy City Attorney
Susan Callister	Deputy Recorder
Norma Farnsworth	Librarian
Kim Taylor	Delta City Police Officer
Morris Burton	Delta City Police Officer
Virginia Taylor	City Secretary
Bryce Ashby	Delta City Fire Chief
Robert Pendray	Plaza Lanes
Jim Pendray	Plaza Lanes
Jessie Peterson	Plaza Lanes
Rob Hender	KNAK Radio Station
David Clark	Delta Area Chamber of Commerce
Jean Smith	Delta Area Chamber of Commerce
Robyn Pearson	Millard County Administrator
Martin Ludwig	Resident
Stewart Taylor	
Gus Taylor	
Larry Taylor	Resident

Mayor Ruth Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a regular City Council meeting held May 5, 1986, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections,

after which Council Member Don Dafoe MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further questions or comments regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a regular City Council meeting held May 19, 1986, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member David Church MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further questions or comments regarding the motion. There being none, she called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED that the accounts payable be approved for payment, as listed, in the amount of \$9,918.72. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

#### ROBERT PENDRAY/JIM PENDRAY: DISCUSSION OF BEER LICENSE ORDINANCE

Mayor Hansen recognized Mr. Jim Pendray, of Plaza Lanes, and asked him to present his request to the Council.

Jim Pendray addressed the Council and said that they have a video game room within the Plaza Lanes that has been in operation for approximately three years along with the bowling alley, and the Plaza Pub Lounge. Mr. Pendray said that the Plaza Lanes/Lounge has been issued a Cease and Desist Order stating that they are in violation of Section 9-432.M. of the Revised Ordinances of Delta City (1981 edition), as amended, in that persons under the age of twenty-one (21) years have been allowed to be present in a room or part of the building within the licensed premises within which alcoholic beverages are served or being consumed and in which coin operated amusement devices (video games) are operated or are available for operation.

Mr. Pendray requested that the Council revise the ordinance that prohibits underage persons to operate video games in a room where alcoholic beverages are being served or consumed, allowing them to continue to do so.

Mr. Pendray said that the City Council had given them approval for operation of their establishment and then later adopted the ordinance prohibiting persons under the age of 21 to be present in a room where alcoholic beverages were being served or consumed. Mr. Pendray said that when he heard about the

amendment to the ordinance, he contacted Attorney Peterson and asked what could be done to continue having video games at the Plaza Lanes.

Attorney Peterson said that the violation was called to his attention by Jim Pendray and by his manager when the ordinance was adopted and they thought it might pose some problems.

Attorney Peterson said that the Plaza Lanes were inspected at that time and there had been restrictions placed on their operations in an effort to comply with the ordinance. Mr. Peterson said they discussed the possibility of adopting an ordinance which would create an exclusion for certain types of businesses, but the Council members at that time were not interested in seeing such an ordinance drafted.

Attorney Peterson said that the Delta Police Department had brought it to his attention that Plaza Lanes/Lounge was in violation of the Beer License Ordinance. Mr. Peterson said that he, Chief Young and Mayor Hansen discussed this and other businesses that were in apparent violation of the Delta City business licensing ordinance. They had decided to take action to bring businesses into compliance with Delta City ordinances and that several Cease and Desist Orders have been issued, including the one to Plaza Lanes.

Mr. Pendray said that they have complied with everything the City has asked them to do and asked the Council to consider revision of the now existing ordinance.

This item was tabled for Council's review until the next regular City Council meeting.

DAVID CLARK/GEORGE COX: REQUEST FOR CHAMBER OF COMMERCE FUNDING

Mayor Hansen asked Delta Area Chamber of Commerce President David Clark to present his request to the Council.

Mr. Clark said that the Delta Area Chamber of Commerce would like to request continued financial assistance from Delta City under the same terms that they have had in the past. Mr. Clark said that they have been receiving \$5,000 per year assistance, which includes a \$3,000 credit for rental of office space.

The Council concurred that the request be taken into consideration, but that no action be taken until after the Delta City budget hearing.

Mr. Clark, along with Chamber of Commerce Executive Secretary Jean Smith, reviewed with the Council some of the activities and plans of the Chamber of Commerce.

SHARON CLARK: REQUEST FOR MILLARD COUNTY INDUSTRIAL DEVELOPMENT COMMITTEE FUNDING

Mayor Hansen asked Delta Area Chamber of Commerce President David Clark, in view of Sharon Clark's absence, to discuss a request for Millard County Industrial Development Committee funding.

Mr. Clark said that the Millard County Industrial Development Committee's (MCID) overall goal is to try to encourage cooperation for growth and expansion for industry in Millard County. He said that in the past the MCID has asked \$1.00 per person per capita from all communities in Millard County as a contribution to the MCID and requested the same from Delta City for 1986-1987.

The Council concurred that Mr. Clark's request be taken into consideration, but that no action be taken until after the budget hearing.

NORMA FARNSWORTH: PROPOSAL TO PURCHASE STORAGE SHELVES AND CABINETS FOR LIBRARY

Mayor Hansen asked Delta City Librarian Norma Farnsworth to present her request to the Council.

Norma Farnsworth requested Council's approval to purchase storage cabinets and shelving for the Library to provide sufficient storage for books and magazines. She said that there is money in the Library budget to cover the cost, which is \$3,651.

Council Member Neil Dutson MOVED to approve the request to purchase storage cabinets and shelves for the Library in the amount of \$3,651. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

WARREN PETERSON: DISCUSSION OF AIRPORT ANNEXATION AGREEMENTS

Mayor Hansen asked City Attorney Warren Peterson to discuss with the Council proposed Airport Annexation Agreements.

Attorney Peterson requested that this item be tabled until the next regular City Council meeting.

Council Member Don Dafoe MOVED to table discussion of Airport Annexation Agreements until the next regular City Council meeting. The motion was SECONDED by Craig Greathouse. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JIM ALLAN: DISCUSSION OF MILLARD COUNTY'S USE OF CITY COUNCIL CHAMBERS FOR JUSTICE OF THE PEACE COURT

Mayor Hansen asked City Manager Jim Allan to discuss with the Council Millard County's proposal for use of the City Council Chambers for Justice of the Peace Court (for the Delta Precinct of Millard County).

Mr. Allan said that Millard County Administrator Robyn Pearson contacted him and asked if Delta City would approve the use of Delta City Council Chambers to hold Justice of the Peace Court.

Mr. Pearson said that Millard County would like to schedule the City Council Chambers one day a week for approximately three hours for jury trials. He said that the building could be scheduled approximately two weeks in advance. He said Millard County was interested in using the Delta Municipal Building to avoid the cost of installing court room facilities at a newly acquired Millard County office building and to improve court room security in view of the presence of the Delta City Police Department in the building.

The Council members all said they were in favor of Millard County using the City Council Chambers for Justice of the Peace Court. There was no Council action taken at this time to allow time for discussion of rental fees.

WARREN PETERSON: DISCUSSION OF POSSIBLE BACK PAY FOR POLICE OFFICERS

Mayor Hansen asked Attorney Warren Peterson to discuss with the Council the possible back pay award for police officers.

Attorney Peterson said that he felt the Delta City police officers are entitled to a back pay award and said that this issue should be resolved in the present budget year. He was asked to comment on whether the award should be paid at the hourly salary rate for the officers or at one and one-half times their hourly rate. He said the Fair Labor Standards Act permitted "straight time" payment for overtime up to 171 hours in the 28 day work periods that have been observed by the Police Department since September 1985. He said the City has in the past given pay at one and one-half time the hourly rate or compensatory time at "straight time" rate for overtime.

City Recorder Dorothy Jeffery reviewed with the Council the following outline of total overtime hours worked by the Police Department from September 1, 1985, to June 7, 1986, but had not been paid as of June 9, 1986. She said any overtime accumulated in excess of 171 hours in a 28 day period has been paid.

	Hourly Rate	O.T. Hours	Total Due
Steve Allred	9.37	88.5	829.25
Morris Burton	9.37	113.5	1063.50
Bert Garner	8.26	63	520.38
Fred Gay	8.26	90.5	747.53
Bruce Irwin	8.26	27	223.02
Carol Parr	7.80	6	46.80
Paul Mitchell	8.26	30	247.80
Ralph Stoneking	10.15	51	517.65
Kim Taylor	10.15	125.5	1273.83
TOTAL:			\$5469.76

Following a brief discussion, Council Member David Church MOVED to pay the Delta City police officers straight time for the difference from the 160 hours and the 171 hours within the approved 28 day work period worked and for which compensation has not been paid to be paid on June 15th and June 30th regular payroll. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

MAYOR RUTH HANSEN: APPOINTMENT OF DEPUTY CITY ATTORNEY

Mayor Hansen reminded the Council that City Attorney Warren Peterson is running for office of Millard County Attorney. Mayor Hansen said that Richard Waddingham has been assisting Attorney Peterson in work for Delta City and has become acquainted with legal matters affecting the City. She recommended that Richard Waddingham be appointed as Deputy City Attorney.

Council Member Don Dafoe MOVED to appoint Richard Waddingham as Delta City Deputy Attorney. The motion was SECONDED by Council Member David Church. City Manager Jim Allan, in view of Council Member Gayle Bunker's absence, said that Mr. Bunker's concern is that there would be a compromise in activities with Mr. Peterson representing Millard County and Mr. Waddingham representing Delta City working from the same office.

Council Member Neil Dutson said he felt that the Council should see if there is any interest from other attorneys within Delta City before appointment of City Attorney is made. Mr. Peterson said that the City Council should fully discuss any conflicts of interest that may arise if he is elected as Millard County Attorney and Waddingham and Peterson, as a law firm, continue to represent Delta City. He said his office recommended a full review of alternatives for legal representation at any time the Council felt it was necessary. Council Member Don Dafoe said that his motion to appoint Mr. Waddingham as Deputy City Attorney was to permit him to act at the present time. He said the Council could bring the issue up again if Warren Peterson is elected as Millard County Attorney.

Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Following the official appointment by Mayor Hansen and City Council, Richard Thorpe Waddingham was sworn in as Deputy City Attorney by Delta City Recorder Dorothy Jeffery.

JIM ALLAN: DISCUSSION OF DELTA CITY LIABILITY AND PROPERTY INSURANCE

Mayor Hansen asked City Manager Jim Allan to discuss with the Council Delta City's Liability and Property Insurance.

Mr. Allan presented and reviewed the following memorandum:

MEMORANDUM

TO: Delta City Mayor and City Council  
FROM: Jim C. Allan  
DATE: June 5, 1986  
SUBJECT: Consideration to Review the Liability and Property Insurance for Delta City

This report is being prompted by the need to review the insurance for the City which terminates on 30 June.

During part of the last and all of the present fiscal year Nickle Insurance has acted as Delta City's insurance agent and has acquired liability and property coverage for the City with eight carriers (see Enc. No. 1). Cost of the coverage, which was originally calculated by Nickle Insurance to be \$41,374, has in fact increased to \$62,013.31 and may reach \$65,414.25 by the end of the fiscal year (see Enc. No. 2). Because the cost of the City insurance has increased so dramatically in the last 2 years, the City is incurring a substantial financial burden which is difficult to support with decreasing revenues.

To deal with this situation I am seeking some alternatives to lower the City's costs and still maintain adequate coverage. Two alternatives have possible merit for consideration and are:

UTAH RISK MANAGEMENT ASSOCIATION

Attached in Enclosure No. 3 is Bryce McEuen's bid of \$20,236.69 for liability insurance. I have included in addition the Pool's current list of UMRMA members and the Joint Protection Agreement for Council review and study. Mr. McEuen will be available on 16 June to discuss his proposal and to address questions from the Council concerning his organization.

UTAH LOCAL GOVERNMENT INSURANCE TRUST

Attached in Enclosure No. 4 is the Trust's data. Because the Trust still needs to have a written report on Delta City's five year loss history from Casualty Indemnity Exchange (CIE) to evaluate the City's liability exposure, the Trust has been only a tentative bid of \$14,436 to provide liability insurance for the City. The coverage would be a \$250 deductible for general liability, public officials error and omissions, law enforcement liability and auto liability. Included in the data is the Trust's membership list, a general information sheet, and a sample coverage policy. A representative from the Trust could be available on 23 June to answer questions from the Council.

NICKLE INSURANCE

In addition to the above, Nickle Insurance is proceeding to prepare a renewal bid for the City Insurance, and this will be ready sometime around 23 June for Council consideration.

On the basis of the above, it is requested that the Council consider all the alternatives and possibly be able to decide on 23 June which agent/carrier the City should engage.

JCA:vt

Mr. Allan said that the most costly portion of Delta City's insurance is Auto Liability and asked for suggestions to keep that cost to a minimum. The Council further discussed the memorandum and concurred that a meeting be scheduled to review and discuss insurance proposals on June 23, 1986.

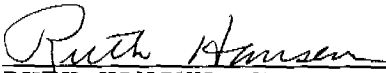
WARREN PETERSON: DISCUSSION OF LITIGATION-CLOSED SESSION REQUESTED

Council Member Don Dafoe MOVED to adjourn into closed session to discuss litigation pending against Delta City. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The Council then reconvened in the regular City Council meeting and Mayor Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Craig Greathouse MOVED to adjourn the meeting. The motion



was SECONDED by Council Member Don Dafoe. Mayor Hansen declared the meeting adjourned at 10:30 p.m.

  
RUTH HANSEN, Mayor

  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 6-23-86

